

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMES L. ROGERS, )  
vs. Plaintiff, )  
vs. )  
MARY HALFORD, et al., )  
Defendants. )  
Case No. 3:13-CV-00304-NJR-DGW

## MEMORANDUM AND ORDER

## **ROSENSTENGEL, District Judge:**

On March 25, 2013, Plaintiff James L. Rogers filed a civil rights complaint pursuant to 42 U.S.C. § 1983 alleging deliberate indifference to his serious medical needs (HIV and Hepatitis C), in violation of the cruel and unusual punishment clause of the Eighth Amendment to the United States Constitution. This matter comes before the Court for case management purposes.

This case was recently reassigned to the undersigned District Judge. Previously, the case had been assigned to District Judges G. Patrick Murphy and Michael J. Reagan. On May 5, 2014, Judge Reagan entered an order adopting, in its entirety, the Report and Recommendation of Magistrate Judge Donald J. Wilkerson (Doc. 24). Magistrate Judge Wilkerson had recommended that the Court grant, in part, and deny, in part, the Motion for Sanctions filed by Defendant Mary Halford as a discovery sanction for Rodgers'

failure to appear at his properly-notice deposition (Docs. 22-23). Judge Reagan sanctioned Rodgers by staying the case and ordering Rodgers to pay \$82.00 to Halford's attorney by May 26, 2014 (Doc. 24 at 3). Rodgers was warned that failure to pay the \$82.00 by that date would result in dismissal of this case with prejudice (*see id.*).

The undersigned hereby takes notice that Rodgers has failed to pay the \$82.00 in accordance with Judge Reagan's May 5, 2014, order (Doc. 24). In accordance with Rule 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure, this case is **DISMISSED with prejudice**. The Clerk is directed to close this case.

**IT IS SO ORDERED.**

**DATED: June 9, 2014**

*s/ Nancy J. Rosenstengel*  
NANCY J. ROSENSTENGEL  
United States District Judge